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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,529	12/12/2003	Jon Robert Scott	13869.40	1584

22913 7590 12/22/2004

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EXAMINER

SZUMNY, JONATHON A

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/735,529

Applicant(s)

SCOTT ET AL.

Examiner

Jon A Szumny

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2004.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,10-13,15-17,19-21,24,26 and 29-34 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1,3-5,10,11,15-17,19,21,24,26,29-32 and 34 is/are rejected.  
7) ☒ Claim(s) 12,13,20 and 33 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 10/13/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/13/04 & 6/30/04.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

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This is the second office action for application number 10/735,529, Support Apparatus or Accessory for Ladder, filed on December 12, 2003.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

*Claim Rejections - 35 USC § 103*

Claims 1, 3-5, 10, 11, 15-17, 19, 21, 24, 26, 31, 32 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen '172 in view of U.S. Patent number 3,791,487 to Baumann and International Publication number WO 02/059446 to Scott et al.

Regarding claims 1, 3-5, 10, 11, 15, 17, 19, 21, 31, 32 and 34, Cohen '172 discloses a support or accessory apparatus for a ladder comprising: a fixed component (35-38), a movable component (piece C) capable of telescopic movement relative to the fixed component and securable at a desired position relative thereto, a securing pin (column 2, line 46) located on the fixed component engageable into a mating aperture on the movable component, wherein the securing pin when inserted into the mating aperture secures the moveable component relative to the fixed component, a primary attachment member (19-26) connected to the fixed component, a secondary attachment member (9-16) securable to the side rail of the ladder or scaffolding and engageable in a peg-socket relationship with the primary attachment member, and a lock (column 2, line 28) engageable into a mating aperture on at least one of the primary attachment member and secondary attachment member to thereby retain the primary attachment member and the secondary attachment member together, wherein the fixed component comprises guiding means (within 35-38) in the form of a channel/housing/elongate continuous enclosed

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hollow tube, wherein the secondary attachment member is secured by a second fastener (inherently passed through 3,4, see column 2, lines 17-18), wherein the primary attachment member is a socket and the secondary attachment member is a peg such that the peg is slidable within the socket. However, Cohen '172 fails to specifically divulge a foot attached to the movable component and pivotable relative thereto, and fails to teach the securing pin and fastener to each be spring biased.

Nevertheless, Baumann '487 teaches a support or accessory apparatus for a ladder (figure 1) comprising fixed and movable components, wherein a foot (35) is attached to the movable component and pivotable relative thereto. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have attached a foot to the movable component of Cohen '172 so as to be pivotable relative thereto so as to allow the movable component to automatically adjust to an uneven surface.

Further, Cohen '172 fails to specifically reveal the securing pin and fastener to each be spring biased. However, Scott '446 discloses a support accessory for a ladder, wherein a securing pin/fastener (13) attached to one component/member is spring biased and fits through a mating aperture on another component/member so as to secure the two components relative to each other in a desired position, wherein the pin/fastener comprises a locking pin coupled to a coil spring applying a force to bias the pin into the mating aperture. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the securing pin and fastener of Cohen '172 to each be spring biased as in Scott '446 so as to provide for a more secure and orderly device by preventing accidental disengagement of the pin/fastener from the components/members while providing for quick disengagement of the pin/fastener when so desired by an operator.

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With respect to claims 16, 24 and 26, Cohen '172 in view of Baumann '487 and Scott '446 teach the previous invention wherein the primary attachment member is a socket and the secondary attachment member is a peg, but fail to specifically teach vice versa. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have reversed the parts so that the primary attachment member is a peg and the secondary attachment member is a socket since a reversal of parts is held to be an obvious expedient. See *In re Gazda*, 219 F.2d 449, 104 USPQ 400 (CCPA 1955).

Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen '172 in view of International Publication number WO 02/059446 to Scott et al.

Cohen '172 discloses a support or accessory apparatus for a ladder comprising: a fixed component (35-38), a movable component (piece C) capable of telescopic movement relative to the fixed component and securable at a desired position relative thereto, a securing pin (column 2, line 46) located on the fixed component engageable into a mating aperture on the movable component, wherein the securing pin when inserted into the mating aperture secures the moveable component relative to the fixed component, a primary attachment member (19-26) connected to the fixed component, a secondary attachment (9-16) member securable to the side rail of the ladder or scaffolding and engageable in a peg-socket relationship with the primary attachment member, and a lock (column 2, line 28) engageable into a mating aperture on at least one of the primary attachment member and secondary attachment member to thereby retain the primary attachment member and the secondary attachment member together. However, Cohen '172 fails to specifically divulge the securing pin and fastener to each be spring biased.

However, Scott '446 discloses a support accessory for a ladder, wherein a securing pin/fastener (13) attached to one component/member is spring biased and fits through a mating

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aperture on another component/member so as to secure the two components relative to each other in a desired position, wherein the pin/fastener comprises a locking pin coupled to a coil spring applying a force to bias the pin into the mating aperture. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the securing pin and fastener of Cohen '172 to each be spring biased as in Scott '446 so as to provide for a more secure and orderly device by preventing accidental disengagement of the pin/fastener from the components/members while providing for quick disengagement of the pin/fastener when so desired by an operator.

*Allowable Subject Matter*

Claims 12, 13, 20 and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 12, the prior art as applied against claim 11 failed to further specifically teach the second fastener to be coupled to a rod that is adapted to traverse the ladder from one side rail to another side rail.

With respect to claim 20, the prior art as applied against claim 1 failed to further specifically teach the at least one fastener to comprise a locking ring having a bent portion projecting inward towards the ring and adapted to be inserted through the mating aperture or groove in the primary attachment member or the secondary attachment member.

With respect to claim 33, the prior art as applied against claim 21 failed to further specifically teach the at least one fastener to comprise a locking ring having a bent portion projecting inward towards the ring and is spring biased to be inserted through the mating

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aperture or groove on at least one of the primary attachment member and secondary attachment member.

### *Response to Arguments*

Applicant's arguments filed October 13, 2004 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claims 1, 3-5, 10, 11, 15-17, 19, 21, 24, 26, 29-32 and 34 have been considered but are moot in view of the new ground(s) of rejection.

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

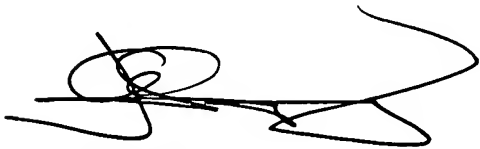
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon A Szumny whose telephone number is (703) 306-3403. The examiner can normally be reached on Monday-Friday 8-4.

The fax phone number for the organization where this application and proceeding are assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

A handwritten signature in black ink, appearing to read 'Jon Szumny', with a stylized, elongated horizontal stroke extending to the right.

Jon Szumny  
Patent Examiner  
Technology Center 3600  
Art Unit 3632  
December 13, 2004